

Message Text

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SUBJECT: OAS PERMANENT COUNCIL RESOLUTION ON TRANS-
NATIONAL ENTERPRISES

REF: DEPTTEL 161080

1. TRANSMITTED HEREIN IS THE TEXT OF THE RESOLUTION UNANIMOUSLY APPROVED BY THE PERMANENT COUNCIL, JULY 10.

BEGIN TEXT. THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES, TAKING INTO ACCOUNT A

THE RESOLUTION APPROVED BY THE GENERAL ASSEMBLY OF THE OAS AT ITS FOURTH REGULAR SESSION, HELD IN ATLANTA (AG/RES. 167 (IV-0/74); RESOLUTION 3281 (XXIV) OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, WHICH ADOPTED THE CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES (CHAPTER II, UNCLASSIFIED

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ARTICLE 2.2, PARAGRAPH B); THE STATEMENTS MADE AT THE MEETINGS OF FOREIGN MINISTERS HELD IN TLATELOLCO AND WASHINGTON ON THE PROBLEMS THAT MAY ARISE AS A CONSEQUENCE OF THE IMPROPER BEHAVIOR OF SOME TRANSNATIONAL ENTERPRISES

OPERATING IN THE REGION; AND THE STUDIES MADE BY THE INTER-AMERICAN JURIDICAL COMMITTEE, AS WELL AS

THE NECESSARY RESPECT THAT MUST BE MAINTAINED FOR THE SOVEREIGNTY AND LAWS OF THE COUNTRIES IN WHICH TRANS-

NATIONAL ENTERPRISES OPERATE; AND

WHEREAS:

THE ACTIVITIES OF TRANSNATIONAL ENTERPRISES SHOULD CONTRIBUTE TO ACHIEVEMENT OF THE GOALS OF NATIONAL POLICIES OF ECONOMIC AND SOCIAL DEVELOPMENT AND OF THE NATURAL RESOURCES OF THE COUNTRIES WHERE THEY OPERATE, AND ABIDE BY THEIR LAWS, AND

EACH STATE HAS THE RIGHT TO CLEARLY ESTABLISH THE CONDITIONS TO BE OBSERVED BY SUCH ENTERPRISES WHILE OPERATING INSIDE THE STATE, INCLUDING THOSE APPLICABLE TO BRIBES OR OTHER ILLEGAL ACTIONS;

CONSIDERING:

THAT NEWS STORIES HAVE RECENTLY COME TO PUBLIC LIGHT CONCERNING ACTIONS CONSTITUTING MANIFESTLY IMMORAL CONDUCT, AS WELL AS INTERFERENCE ON THE PART OF SOME TRANSNATIONAL ENTERPRISES IN THE DOMESTIC AFFAIRS OF SOME COUNTRIES OF THE HEMISPHERE;

THAT SUCH ILLEGAL ACTIVITIES HAVE AN ADVERSE EFFECT ON THE POLITICAL AND ECONOMIC RELATIONS BETWEEN MEMBER STATES AND CREATE AN ATMOSPHERE PREJUDICIAL TO SOCIAL PEACE, TO THE PUBLIC SECURITY OF SUCH STATES, AND TO LEGITIMATE TRADE AND INVESTMENT ACTIVITIES THAT ARE IMPORTANT TO THEIR DEVELOPMENT; AND

THAT IT IS NECESSARY FOR THE MEMBER STATES TO FIND UNCLASSIFIED

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DEFINITE AND EFFECTIVE MEANS OF PREVENTING SUCH ILLEGAL ACTIVITIES;

DECLARES:

THAT TRANSNATIONAL ENTERPRISES SHOULD BE SUBJECT TO THE LEGISLATION AND TO THE JURISDICTION OF THE COMPETENT NATIONAL COURTS OF THE COUNTRIES IN WHICH THEY CARRY OUT THEIR ACTIVITIES AND SHOULD CONFORM TO THE DEVELOPMENT POLICY OF THOSE COUNTRIES.

RESOLVES:

1. TO REQUEST THE MEMBER STATES TO COOPERATE IN THE EXCHANGE OF INFORMATION FOR THE PURPOSE OF ACHIEVING EFFECTIVE CONTROL OF THE ACTIVITIES OF TRANSNATIONAL ENTERPRISES, SO THAT SUCH ENTERPRISES CONFORM TO THE ECONOMIC AND SOCIAL GOALS OF THE HOST STATE.

2. TO CARRY OUT THE STUDY OF THE PRINCIPLES THAT SHOULD GOVERN THE ACTIVITIES OF TRANSNATIONAL ENTERPRISES FOR THE PURPOSES OF PREPARING A DRAFT CODE OF CONDUCT WHICH SUCH ENTERPRISES MUST OBSERVE. IN THE PREPARATION OF THIS CODE, ACCOUNT WILL BE TAKEN OF THE WORK BEING CARRIED OUT IN THIS REGARD WITHIN THE SPHERE OF THE UNITED NATIONS.

FOR THE PURPOSES STATED IN THE ABOVE PARAGRAPH, THE PERMANENT COUNCIL WILL ADOPT THE APPROPRIATE PROCEDURES AND MAY SEEK THE ADVICE OF A GROUP OF EXPERTS TO BE CONVOKED TO A MEETING WHENEVER IT IS CONSIDERED NECESSARY. THE MEMBER STATES WILL BE REPRESENTED BY THE EXPERTS THEY DEEM APPROPRIATE.

3. TO PRESENT A REPORT IN ORDER THAT, IN ACCORDANCE WITH ITS FINDINGS, THE MATTER MAY BE PLACED ON THE AGENDA AND SUBMITTED TO THE SIXTH REGULAR SESSION OF THE GENERAL ASSEMBLY FOR CONSIDERATION.

ALSO RESOLVES:

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I. TO CONDEMN IN THE MOST EMPHATIC TERMS ANY ACT OF BRIBERY, ILLEGAL PAYMENT OR OFFER OF PAYMENT BY ANY TRANSNATIONAL ENTERPRISE; ANY DEMAND FOR OR ACCEPTANCE OF ILLEGAL PAYMENTS, AS WELL AS ANY ACT CONTRARY TO ETHICS AND LEGAL PROCEDURES; AND

II. TO REQUEST THE GOVERNMENTS OF THE MEMBER STATES, INSOFAR AS NECESSARY, TO CLARIFY THEIR NATIONAL LAWS WITH REGARD TO THE AFOREMENTIONED IMPROPER OR ILLEGAL ACTS.
END TEXT. INGERSOLL

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<< END OF DOCUMENT >>

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